

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



## INSTRUCTIONS FOR PUBLIC NOTICE For Water Quality Permit

### NOTICE OF RECEIPT OF APPLICATION AND INTENT TO OBTAIN PERMIT

Your application has been declared administratively complete and now you must comply with the following instructions:

#### Please Review Notice

We have included in the notice all of the information which we believe is necessary. Please read it carefully and notify us immediately if it contains any errors or omissions. You are responsible for ensuring the accuracy of all information published. You may not change the text of the notice without prior approval from the TCEQ.

#### Newspaper Notice

- You must publish the enclosed Notice of Receipt of Application and Intent to Obtain Permit within **30 calendar days** after the date of administrative completeness.
- You must publish the enclosed Notice of Receipt of Application and Intent to Obtain Permit at your expense, in a newspaper that is of the largest circulation within each county where the proposed facility is located or in a newspaper of general circulation in the municipality if the facility is located or proposed to be located in a municipality.
- If the discharge or potential discharge is located in a different county than the facility, you must publish the enclosed Notice of Receipt of Application and Intent to Obtain Permit at your expense, in a newspaper that is of the largest circulation within each county.
- You must publish this notice in one issue of any applicable newspaper.
- The bold text of the enclosed notice must be printed in the newspaper in a font style or size that distinguishes it from the rest of the notice (i.e., bold font, italics). **Failure to do so may require re-notice.**

#### Proof of Publication

- You must submit **original newspaper clipping(s)** of the published notice(s) which shows the date of publication and the name of the newspaper to the TCEQ Office of the Chief Clerk within **10 business days** after the date of publication.



- You must submit an **original publisher's affidavit** to the Office of the Chief Clerk within **30 calendar days** after the date of publication. **You must use the enclosed affidavit form.** The affidavit must clearly identify the applicant's name and permit number.
- You are encouraged to submit the affidavit with the original newspaper clipping described above; however, the affidavit must be submitted no later than **30 calendar days** after publication of notice.
- The **original publisher's affidavit** and an **original newspaper clipping of the published notice** must be mailed to:  
TCEQ  
Office of the Chief Clerk, MC 105  
Attn: Notice Team  
P.O. Box 13087  
Austin, Texas 78711-3087
- Please ensure that the affidavit and newspaper clipping you send to the Chief Clerk are originals and that all blanks on the affidavit are filled in correctly. Photocopies of newspaper clippings and affidavits will not be accepted.

#### **Failure to Publish and Submit Proof of Publication**

If you fail to publish the notice or submit proof of publication on time, then the TCEQ may suspend further processing of your application or take other actions.

#### **Application in a Public Place**

- You must provide a copy of the administratively complete application at a public place for review and copying by the public. This place must be in the county in which the facility is located or proposed to be located.
- A public place is one that is publicly owned or operated (ex: libraries, county courthouses, or city halls).
- The administratively complete application must be available beginning on the first day of newspaper publication and remain available until the end of the comment period.
- During the technical review, all correspondence from the TCEQ regarding this application (including notice of deficiencies) and all applicant replies, and application revisions or clarifications shall be copied and updates placed in the publically available copy of the application within **10 business days** from the date of the correspondence.
- If the application is submitted to the TCEQ with information marked as confidential, you are required to indicate which specific portions of the application are not being made available to the public. These portions of the application must be accompanied with the following statement: "Any request for portions of this application that are marked as confidential must be submitted in writing, pursuant to the Public Information Act, to the TCEQ Public Information Coordinator, MC 197, P.O. Box 13087, Austin, Texas 78711-3087".

**General Information**

When contacting the Commission regarding this application, please refer to the permit number at the top of the Notice of Receipt and Intent to Obtain Permit.

If you have questions or need assistance regarding publication of this notice, please contact the Office of the Chief Clerk at (512) 239-3300.

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



## NOTICE OF RECEIPT OF APPLICATION AND INTENT TO OBTAIN A WATER QUALITY PERMIT AMENDMENT

PERMIT NO. 02496

**APPLICATION.** Southwestern Electric Power Company, 2400 Farm-to-Market Road 3251, Hallsville, Texas 75650-7634, which operates a steam electric power generating facility, has applied to the Texas Commission on Environmental Quality (TCEQ) to amend Texas Pollutant Discharge Elimination System (TPDES) Permit No. 02496 (EPA I.D. No. TX0087726) to authorize the → elimination of the monitoring requirement for total dissolved solids via Outfall 002; the elimination of the monitoring requirement of oil and grease via Outfalls 003, 004 and 005; and the reduction of the monitoring frequencies for total suspended solids via Outfalls 003, 004, and 005. The facility is located adjacent to Red Oak Road at a point approximately six miles southeast of the City of Hallsville in Harrison County, Texas. The discharge route via Outfalls 002 and 003 is from the plant site to Brandy Branch Reservoir; thence to Brandy Branch; thence to the Sabine River above Toledo Bend Reservoir. The discharge route via Outfalls 004, 005, and 006 is from the plant site to unnamed tributaries of Hatley Creek; thence to Hatley Creek; thence to Sabine River above Toledo Bend Reservoir. This application was submitted to the TCEQ on September 23, 2002. The permit application is available for viewing and copying at the Marshall Public Library, 300 South Alamo Street, Marshall, Texas.

The TCEQ executive director has determined the application is administratively complete and will conduct a technical review of the application. After completion of the technical review, the TCEQ will issue a Notice of Application and Preliminary Decision.

**PUBLIC COMMENT / PUBLIC MEETING.** You may submit public comments or request a public meeting about this application. The purpose of a public meeting is to provide the opportunity to submit comments or to ask questions about the application. The TCEQ will hold a public meeting if the executive director determines that there is a significant degree of public interest in the application or if requested by a local legislator. A public meeting is not a contested case hearing.

Written public comments or requests for public meeting must be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, TX 78711-3087.

**ADDITIONAL NOTICE.** After technical review of the application is complete, the executive director may prepare a draft permit and will issue a preliminary decision on the application. **Notice of the Application and Preliminary Decision will be published and mailed to those who are on the county-wide mailing list or the mailing list for this application. That notice will contain the final deadline for submitting public comments.**

**OPPORTUNITY FOR A CONTESTED CASE HEARING.** After the deadline for public comments, the executive director will consider the comments and prepare a response to all relevant and material, or significant public comments. **The response to comments, along with the executive director's decision on the application, will be mailed to everyone who submitted public comments or who requested to be on the mailing list for this application. If comments are received, the mailing will also provide instructions for requesting reconsideration of the executive director's decision and for requesting a contested case hearing. A contested case hearing is a legal proceeding similar to a civil trial in a state district court.**

A contested case hearing will only be granted based on disputed issues of fact that are relevant and material to the Commission's decision on the application. Further, the Commission will only grant a hearing on issues that were raised during the public comment period and not withdrawn.

**MAILING LIST.** In addition to submitting public comments, you may ask to be placed on a mailing list to receive future public notices mailed by the Office of the Chief Clerk. You may request to be added to: (1) the mailing list for this specific application; (2) the permanent mailing list for a specific applicant name and permit number; and/or (3) the permanent mailing list for a specific county. Clearly specify which mailing list(s) to which you wish to be added and send your request to the TCEQ Office of the Chief Clerk at the address above. Unless you otherwise specify, you will be included only on the mailing list for this specific application.

**INFORMATION.** If you need more information about this permit application or the permitting process, please call the TCEQ Office of Public Assistance, Toll Free, at 1-800-687-4040. General information about the TCEQ can be found at our web site at [www.tceq.state.tx.us](http://www.tceq.state.tx.us).

Further information may also be obtained from Southwestern Electric Power Company at the address stated above or by calling Franklin L. Mills, American Electric Power; at (214)777-1507.

Issued: January 13, 2003

TCEQ-OFFICE OF THE CHIEF CLERK  
MC-105 Attn: Notice Team  
PO BOX 13087  
AUSTIN TX 78711-3087

Applicant Name: Southwestern Electric Power Company  
Permit No.: 02496  
Notice of Intent to Obtain Permit

**AFFIDAVIT OF PUBLICATION FOR  
A NEWSPAPER WITHIN A MUNICIPALITY  
WATER QUALITY PERMITS**

STATE OF TEXAS §

COUNTY OF \_\_\_\_\_ §

Before me, the undersigned authority, on this day personally appeared

\_\_\_\_\_, who being by me duly  
*(name of newspaper representative)*

sworn, deposes and says that (s)he is the \_\_\_\_\_  
*(title of newspaper representative)*

of the \_\_\_\_\_; that said newspaper is  
*(name of newspaper)*

a newspaper of general circulation in \_\_\_\_\_, Texas;  
*(Name of Municipality)*

and that the attached notice was published in said newspaper on the following  
date(s): \_\_\_\_\_.

\_\_\_\_\_  
Newspaper Representative's Signature

Subscribed and sworn to before me this the \_\_\_\_\_ day of \_\_\_\_\_,  
20\_\_\_\_\_, to certify which witness my hand and seal of office.

(Seal)

\_\_\_\_\_  
Notary Public in and for the State of Texas

\_\_\_\_\_  
Print or Type Name of Notary Public

My Commission Expires \_\_\_\_\_

TCEQ-OFFICE OF THE CHIEF CLERK  
MC-105 Attn: Notice Team  
PO BOX 13087  
AUSTIN TX 78711-3087

Applicant Name: Southwestern Electric Power Company  
Permit No.: 02496  
Notice of Intent to Obtain Permit

**AFFIDAVIT OF PUBLICATION FOR  
A NEWSPAPER WITHIN THE COUNTY  
WATER QUALITY PERMITS**

STATE OF TEXAS §  
COUNTY OF \_\_\_\_\_ §

Before me, the undersigned authority, on this day personally appeared

\_\_\_\_\_, who being by me duly  
*(name of newspaper representative)*

sworn, deposes and says that (s)he is the \_\_\_\_\_  
*(title of newspaper representative)*

of the \_\_\_\_\_; that said newspaper is  
*(name of newspaper)*

the newspaper of largest circulation in \_\_\_\_\_ County, Texas;  
and that the attached notice was published in said newspaper on the following  
date(s): \_\_\_\_\_.

\_\_\_\_\_  
Newspaper Representative's Signature

Subscribed and sworn to before me this the \_\_\_\_\_ day of \_\_\_\_\_,  
20\_\_\_\_\_, to certify which witness my hand and seal of office.

(Seal)

\_\_\_\_\_  
Notary Public in and for the State of Texas

\_\_\_\_\_  
Print or Type Name of Notary Public

My Commission Expires \_\_\_\_\_